

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/985,576	12/05/97	WESTERMAN	7146007

CHERNOFF VILHAUER MCCLUNG & STENZEL
600 BENJ. FRANKLIN PLAZA
ONE SOUTHWEST COLUMBIA
PORTLAND OR 97258

LM02/0305

EXAMINER	
DESIRE, G	
ART UNIT	PAPER NUMBER
2721	

DATE MAILED:03/05/99 *3*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/985,576	Applicant(s) Larry Alan Westerman
Examiner Gregory Desire	Group Art Unit 2721

Responsive to communication(s) filed on Dec 5, 1997

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-18 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2721

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear to the examiner what the phraseology of a non-closed loop entail, since it is not clearly defined. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamasaki (5,627,586).

Regarding claims 1 and 12 Yamasaki et al discloses,

Art Unit: 2721

(A) an imaging device that at least one of the obtains and presents at least one image (note fig. 1 block 10). (Shows a video camera. It is inherent for a camera to obtain and present at least one image.);

(B) an eye gaze system associated with said imaging device that determines a nonclosed loop portion of said at least one image that an eye of a viewer observes (note fig. 3 in connection with col 6 lines 1-2 and Fig. 6). The camera has gazing point member. The examiner interprets a member as being part of a system. Also, fig. 6 shows an image plane with several regions s1-s4. The examiner interprets the regions as being a non-closed loop.)

(C) said image system associating said at least one image with said non-closed loop portion of said at least one image (note fig. 6). Wherein the s1 is a region in the image plane, thus there is some association with the image.

Regarding claim 2,

wherein said imaging device is at least one of a film based camera, a digital based still camera, and a digital based video camera (note fig. 1 block 10). The imaging device is described as a video camera.

Regarding claim 3,

Art Unit: 2721

wherein said imaging device presents said at least one image to said user at a time subsequent to recording said image. This is inherent in a camera to present an image to a user at a time subsequent to recording an image.

Regarding claim 4,

where said eye gaze system is integral with said imaging device (note fig 3 in connection with col 6. lines 1-2). Eye gaze system is a member of the video camera.

Regarding claim 5-7 and 14-16,

wherein said non-closed loop portion is within said at least one image (note fig. 11). The examiner interprets the zones to be an image plane (image). Non closed loop is within the image zone. Non closed loop is a point with the image zone. Non closed loop is a region of the image zone.

Regarding claim 8,

wherein said image system associated is storing said non-close loop portion on a recording media of said image device (note col. 2 lines 30-35). The image device stores image signal of images within image zones.

Regarding claim 9,

Art Unit: 2721

wherein said non-closed loop portion is used at the basis to define a closed loop portion (note fig. 6 block 66 and fig. 11). Figure shows an image plane examiner interprets as closed loop. The points within non-closed loop defines the closed loop portion.

Regarding claim 10,

wherein said at least one image is said obtained substantially contemporaneously with said non-closed loop portion (note fig. 6). The examiner interprets image plane as an image. Once the tracking system is focus on a non closed loop it is occurring contemporaneously with the image plane.

Regarding claim 11,

further comprising an image processor that identifies the content of said at least one image based on the content of the image together with said non-closed loop portion (note fig. 1 block 18). The examiner interprets the CPU as image processor which identifies the contents of the whole image plane.

Art Unit: 2721

Regarding claim 13,

wherein said gaze information is transformed into a closed loop portion of said image and said image processor analyzes said image based at least in part on said image itself together with said closed loop portion to determine the content of said image (note col. 3 lines 47-50). The correlation calculation means analyze the image signals with reference signals. This is done in the cpu.

Regarding claim 17,

wherein said image processor includes at least one of shape identification, texture identification, color identification, and spatial identification (note fig. 12 in connection with col. 5 lines 23-25). Yellow and cyan separation identifies color.

Regarding claim 18,

further comprising storing said content in a database (note fig. 1 block 22 and 24). The examiner interprets ram and rom as data base where information is stored.

Art Unit: 2721

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Desire whose telephone number is (703) 308-9586. The examiner can normally be reached on Monday-Friday from 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau, can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900

G.D.

March 1, 1999



LEO H. BOUDREAU
SUPERVISORY PATENT EXAMINER
GROUP 2700